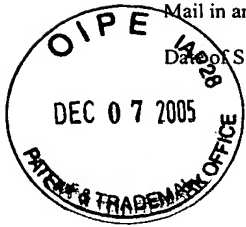


I hereby certify that this correspondence is being deposited with the United States Postal Service on the date set forth below as First Class Mail in an envelope addressed to: Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450.

Date of Signature and Deposit: December 5, 2005

Sara D. Vinaro

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Alan D. Attie
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Susanne Michelle Clee

Date: December 5, 2005

Serial No.: 10/655,915

Group Art Unit: 1634

Filed: 09/05/2003

Examiner: Jehanne Souaya Sitton

Title: TYPE 2 DIABETES SUSCEPTIBILITY GENES File No.: 960296.99080

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner For Patents
P O Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In an Office Action mailed October 21, 2005, the Examiner in charge of the above-identified application imposed a requirement for restriction.

In response, applicants provisionally elect the invention of Group I, Claims 1-3, drawn to a method of determining susceptibility of Type 2 diabetes by determining the SorCS1 allele of a subject using nucleic acid based methods. This election is made with traverse and without prejudice to the eventual filing of a divisional application on any of the non-elected Groups II-IX.

The restriction is traversed on the grounds that the subject matter of all of the Groups, particularly, Groups I, III, V, VII, and IX relating to the SorCS1 gene, gene products and agents interacting therewith are inextricably linked. Applicants believe that a proper search for one group of claims would inevitably overlap with that for the others and the search results for one is relevant to the others. Applicants do not believe that a burden exists for searching more than one of the patentably related groups. Indeed, applicants submit that a search of the art relating to SorCS1 diagnostics and therapeutics will necessarily provide

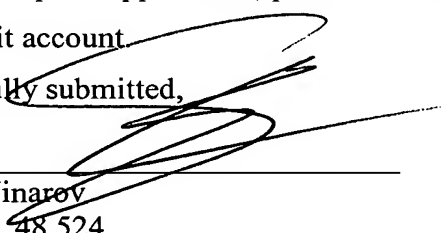
information regarding Groups I, III, V, VII, and IX . In this regard, the applicants further note that Groups I-VI have overlapping classifications (i.e., class 435).

Applicants also wish to note that procedurally restriction requirements are optional in all cases (see MPEP § 803). If the search and examination of a claim set can be made without serious burden, the Examiner must examine the claims on the merits, even though they may be arguably directed at distinct or independent inventions (MPEP § 803). In the present application, and as described hereinabove, it is respectfully submitted that claims in Groups I, III, V, VII, and IX can be examined together without serious burden on the Office. Accordingly, it will be unnecessarily burdensome on both the applicants and the Office to consider this highly related subject matter in several separate patent applications.

For these reasons, applicants respectfully request that the restriction requirement on Groups I-IX be reconsidered and withdrawn. Wherefore examination on the merits is respectfully requested.

A petition for a one month extension of time accompanies this response so that the response will be deemed to have been timely filed. Should any other extension of time be due, please consider this to be a request for the appropriate extension of time and a request to charge the fee due to the Deposit Account No. 17-0055. Likewise, no other fee is believed due, but should any other fee be due, in this or any subsequent application, please consider this to be a request to charge the fee to the same deposit account.

Respectfully submitted,



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